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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,221

07/25/2003

Jon Turner

P-6140.1(UTI)

2441

7590

01/10/2005

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/627,221	Applicant(s) TURNER ET AL.	
	Examiner Julie Lieu	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed August 6, 04. Claim 1 has been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Oja et al. (US Appl. No. 2002/0175820) in view of Olmassakian (US Patent No. 5,900,817).

Claim 1:

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Oja et al. (Oja) discloses an electronic child location system comprising:

- a. A plurality of child unit 44 having a code setter, a code generator, transceiver and an antenna (inherent), [0048];
- b. A parent unit 42 having an antenna, a transceiver, plural code detectors, plural distance and direction detectors, a setting controller, a logic circuit, an audio alarm generator, a visual indicator, and a speaker element, (see fig. 2);
- c. Each of said child unit code setters programming unique codes for each said child unit watch coupled to said code generator for generating said codes and further coupled to said child transceiver for generating a radio transmission signal and further coupled to said child antenna for transmitting said radio transmission signal, [0048];
- d. Said parent unit antenna receiving said radio transmission signal from each of said child unit watches and coupled to said parent transceiver for demodulating said child radio transmission signal, and further coupled to said plural code detectors for detecting said child codes and further coupled to said plural distance and direction detectors for detecting programmable signal strengths outside of a range of values based on inputs from said setting controller, each of said plural distance and direction detectors coupled to inputs of said logic circuit for detecting outputs of said plural distance and direction detectors indicates signal strength that is out of range, said logic circuit reporting the direction from which each said child radio transmission originated, and further coupled to said audio alarm or vibration generator for generating an audio alarm output to said speaker element.

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The parent and child units in Oja are not shown to be incorporated into a watch.

However, the concept of using incorporating these devices into to a wrist watch type device so that the device could be attached these devices to the individuals using these devices is well known in the art as taught in Olmassakian. Therefore, it would have been obvious to one skilled in the art to incorporate the parent and child unit of Oja's in a wrist watch type device because it would be conveniently attach to the supervising individual, thus, would reduce the chance that the device will be lost or misplaced.

Claim 2:

The electronic child location system of Olmassakian further comprising panic buttons S9 on each of said child units which will produce an alarm sound or vibration on said parent unit if any of said child unit panic buttons is pressed on a child unit. The reference fails to disclose a panic button on the parent unit. However, it would have been obvious to one skilled in the art to add a panic button the parent unit because it would be desirable for the individual who uses the child unit would be aware of the urgent situation associated with the individual using the parent unit.

Claim 3:

It is not disclosed in Oja or Olmassakian whether the cases of said child unit are tamper resistant. However, the use of tamper-resistant cases for housing an alarm device is conventional in the art thus, it would have been obvious to one skilled in the art to use a tamper-resistant casing to house the child device in Oja because it would prevent the device from being removed or damaged, therefore, promoting the safety feature.

Claim 4:

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It is inherent the band of said child units in Olmassakian contain a locking mechanism for lockably connecting the first end of said band to the second end of said band. As discussed above it is not clear whether the housing for the device in Olmassakian is tamper-resistant or cut-proofed. However, the use of tamper-resistant cases for housing an alarm device is conventional in the art thus, it would have been obvious to one skilled in the art to use a tamper-resistant casing to house the child device in Oja because it would prevent the device from being removed or damaged, therefore, promoting the safety feature.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Dec. 29, 04